

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DANIEL DIBIASE,

Movant,

– *against* –

UNITED STATES OF AMERICA

Respondent.

ORDER

12 Cr. 834 (ER)
16 Civ. 1555 (ER)
16 Civ. 4798 (ER)

RAMOS, D.J.:

On February 23, 2016, Daniel DiBiase filed a *pro se* motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255, opening docket number 16 Civ. 1555 (ER). Thereafter, on June 24, 2016, the Federal Defenders of New York filed, on behalf of Defendant, a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255, opening docket number 16 Civ. 4798 (ER). On September 26, 2019, this Court vacated Dibiase's previous sentence pursuant to *United States v. Davis*, 139 S. Ct. 2319 (2019), and imposed a new sentence of 144 months' incarceration and three years of supervised release thereafter.

Accordingly, the motions in 16 Civ. 1555 and 16 Civ. 4798 are DENIED as moot. The Clerk of Court is respectfully directed to terminate both civil cases. The Clerk is also directed to mail a copy of this order to Dibiase.

It is SO ORDERED.

Dated: January 29, 2020
New York, New York



EDGARDO RAMOS, U.S.D.J.